IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR.

O R D E R

Manoharlal v. State of Raj. & Ors.

S.B.CIVIL WRIT PETITION NO.5057/2004
under Article 226 of the Constitution of India.

Date of Order : 25th February, 2005

P R E S E N T

HON'BLE MR.JUSTICE GOVIND MATHUR

Mr. P.S.Bhati, for the petitioner.

BY THE COURT :

The instant writ petition is preferred by the petitioner seeking directions for Municipal Board, Barmer to appoint him as Sweeper on compassionate ground being ward of Smt.Kamla Devi who died on 9.10.1975 while in employment of Municipal Board, Barmer.

The contention of counsel for the petitioiner is that by an order dated 13.1.2003 Director, Department of Local Self Government, Jaipur instructed competent officers of various Municipal Corporation/Council/Board in State of Rajasthan to fill up all the vacant posts of Sweepers by making appointments with certain conditions. While issuing directions for making appointments the Director also prescribed a criteria for making appointments to the post of Sweeper. According to clause (5) of the order dated 13.1.2003 while making appointments to the

post of Sweepers first priority was required to be given to the wards of deceased government servants seeking employment on compassionate grounds. It is stated by the petitioner that he applied for appointment as Sweeper on compassionate grounds but no priority was given to him by respondent Municipal Board while making appointments of the Sweepers under order Anx.9 dated NIL.

I have heard counsel for the petitioner.

It is admitted position that the petitioner is claiming appointment on compassionate grounds being a ward of Smt.Kamla Devi who died on 9.10.1975. The object for providing appointment on compassionate grounds to a ward of a deceased government servant is to provide immediate assistance in harness due to death of a person supporting the family. Appointment on compassionate grounds is an exception and the same cannot be claimed as a matter of right. While making appointments on compassionate grounds an employer deviates from the basic principle of equality with view to provide a mechanism to the dependents of deceased government servant to absorb shock and jolt assaulted due to death of supporting hand. A person needs such help immediately and not after decades of death of government servant. In the present case Smt.Kamla Devi, mother of the petitioner, died on 9.10.1975 i.e. at least 28 years prior to the date on which the petitioner

claimed appointment on compassionate grounds. The object of giving appointments on compassionate grounds shall be frustrated in event such extra ordinary method of recruitment be extended to the petitioner at such a belated stage.

In view of it, in my considered opinion, respondent Municipal Board, Barmer rightly denied appointment to the petitioner on compassionate grounds.

The writ petition, therefore, is having no force and the same is hereby dismissed. No order as to costs.

(GOVIND MATHUR),J.

kkm/ps.